

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, April 13, 2015, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Guy Gentry, President, Jeff Valiant, Vice President, Bill Byers, Brad Overton, Amanda Mosiman, and Richard Reid.

Also present were Morrie Doll, Attorney; Sherri Rector, Executive Director; Sheila Lacer, Assistant Director; Jamie Key, Staff.

MEMBERS ABSENT: Jeff Willis

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion made by Brad Overton and seconded by Bill Byers the Minutes of the last regular meetings held March 9, 2015 were approved as circulated.

The Vice President explained the rules of procedure.

REZONING PETITIONS:

PC-R-15-06 – Petition of Maken Corporation by Danny Ublhor, Pres. And Ubelhor Homes, Inc. by Danny Ubelhor, Pres. To rezone 6.94 acres on the E side of the E side of Bell Rd. and the N side of High Pointe Dr. approximately 0' E and 350' N of the intersection formed by Bell Rd. and High Pointe Dr. and 800' E and 0' N of the intersection formed by Bell Rd. & High Pointe Dr, being Outlot A, Lots 44, 45, 46 & 47 in High Pointe Centre North Section 2-2 and Lot 43 in the Replat of Lots 42 & 43 in High Pointe Centre North Section 2-2 and pt. Section 22, Township 6 S Range 9 W, Ohio Twp. from "A" Agriculture and "C-4" General Commercial zoning to "C-4" General Commercial with a PUD. *Complete legal on file. Advertised in the Standard April 2, 2015.*

Jim Morley with Morley and Associates, project engineer, and Danny Ubelhor were present.

The Vice President called for a staff report.

Mrs. Rector explained that this rezoning goes along with a primary plat PP-15-10 so they will do them together but they will need to be voted on separately.

Mrs. Rector stated that we have all the return receipts from certified mail to the adjacent property owners and they also mailed the notice with the subdivision as well.

The President arrived at 6:08 p.m.

She said it is 6.94 acres and the comprehensive plan shows the area to be commercial and high to moderate residential. She added that there is an existing home to be removed and that most of the surrounding property is zoned "C-4" General Commercial with various businesses. She said Springston/Canterbury Subdivision is located to the NE and is zoned "R-2" Multiple Family with duplexes and single family dwellings. Mrs. Rector said a small portion of property along Bell Road is in a Zone A flood plain. She added that they have submitted a study to the DNR to set the Base Flood Elevation to 392.9 feet and any new building will need a certified plot plan showing they have elevation ten feet around the structure to two feet above the BFE or they will have to obtain a LOMA. She said that there is access off of Bell Road and High Pointe Drive. She said that the stated use is a 3 lot commercial subdivision and compliance is allowed.

PP-15-10 – High Pointe Centre North Sec. 3 PUD by Maken Corp. by Danny Ublhor, Pres. And Ubelhor Homes, Inc by Danny Ubelhor, Pres. 6.94 acres located on the E side of Bell Rd. and the N side of High Pointe Dr. approximately 0' E and 350' N of the intersection formed by Bell Rd. and High Pointe Dr. and 800' E and 0' N of the intersection formed by Bell Rd. & High Pointe Dr, being Outlot A, Lots 44, 45, 46 & 47 in High Pointe Centre North Section 2-2 and Lot 43 in the Replat of Lots 42 & 43 in High Pointe Centre North Section 2-2 and pt. Section 22, Township 6 S Range 9 W, Ohio Twp. *Complete legal on file. Advertised in the Standard April 2, 2015.*

Mrs. Rector said same notices and flood plain. She said the number of lots is 3 lots, She said lot 1 has an existing house that will be removed. She said this is the lot with the flood plain. She added that lot 2 has proposed self-storage buildings and lot 3 will be one story apartment buildings. Mrs. Rector added that our ordinance requires two parking spaces for each unit which would be 70 parking spaces and they have a letter requesting to relax that to 56 spaces because their past experience with apartments for seniors is they require less parking. 56 spaces average to 1.6 spaces per unit, which we have approved in the past. She said the Commissioners ruled no improvements will be required to Bell Road or High Pointe Dr. She said each lot will have to obtain a commercial entrance. She said the drainage plan has been approved by Drainage Board. Mrs. Rector said Newburgh sewer has capacity and Chandler Water has lined in place and ready for connection. She added that the proposed development is a 3 lot PUD and the plat is in order.

The Vice President asked Jim Morley for anything to add to the staff reports.

Jim Morley said he will speak about them both together. He said this is good news for Newburgh and for its growth. He said both projects, the mini storages are an expansion of the Storage Master in that area, which most people know of on the intersection of Bell and 66, and the apartments are an expansion of Park Place Apartments to the East. He said thankfully both projects are very successful and have a need for expansion. He said 2 of the 3 lots are being used for that and the third lot is the piece of property that fronts on Bell Road which is where the existing house is and this a commercial lot for sale. He said the house will be torn down eventually when it sales and there would eventually be some type of Commercial structure there and that lot will just be up for sale. He added that there is no planned use for it. He said they had

a conversation with one of the adjoiningers today. He said that Danny spoke to several adjoiningers before today and had no concerns with them and no issues. He said that one of the adjoiningers they talked to earlier is concerned about the visual impact these would have on her property in Catabury. He said that they told her, at the top of the hill on the eastern portion of the site the ground will be cut down about 10 feet and those buildings will sit in a large manner out of view of the duplexes that are to the northeast of the property. He said that from a visual impact, these won't have much of an impact on the neighbors. He said that she was interested in planting some trees on Danny's property. He added that Danny said he would speak with her once the grass is planted around this fall. He said he doesn't feel this will have a negative impact on anyone's views one way or the other. He said that both the apartments and mini storages are high quality projects. He added that Maken Corporation has and always will take very good care of their projects, and with this he asks for the approval of these tonight. He also said that the project is in compliance with the Comprehensive Plan.

Richard Reid asked if all the water goes to the west.

Jim Morley said yes the entire project goes west, down the hill.

Mrs. Rector asked if it goes down into the existing retention.

Jim Morley said they are going to be building their own retention basin that will be tied in with the lake at the Acapulco Restaurant.

The Vice President asked for any other questions from the Board. Being none he asked for any remonstrators for or against the project.

Patricia Louise Hughes said she is the owner of the property they have been discussing. She said she owns most of the existing and has the biggest adjoining property piece. She said she did talk to them afterwards and said she does agree to put trees in at her own expense. She added that it is going to be butt ugly and already is butt ugly. She said excuse the expression but that's really what it is. Patricia said she bought the property nine years ago and had no idea she couldn't plant trees on her property line, due to the pipeline. She said the neighbors had also told her that the Ubelhor's said they would put a fence up between the apartments and their property lines and that never happened. She said it is a clean development and they do keep it tidy but it is what it is and all the property values of all of those duplexes have been diminished due to that development. She said gentleman and ladies of this Planning Commission; this should not happen to property owners of this County. She said that when people come in and put in a project such as this, it's going to be profitable to them and it shouldn't affect the value of other people's property. She said she knows she is the only voice from her neighborhood here, because the others say there is no sense of fighting because we need this type of housing and she gets that. She said but she has lived in other types of communities where these types of development, good housing, and good substantial neighborhoods have lived hand and hand. She said it is up to the Planning Commission to make sure this happens. She said there should be a green space between that apartment complex and the property line. She said they are far enough from the easement to make that happen. She said they could plant a shrub of some kind so that there will

be a break. She said she gets that the drainage is bent to go west and down to Bell Road. She said that when there is a heavy rain there is a creek that goes across her back yard. She said that is because all the vegetation that was there, where those apartments were 12 years ago, has been stripped away to make a profit and then the apartments built on top. She said she thinks that this Commissions job is to not let things like this happen to a neighborhood that is already there and a neighborhood that was developed by the same developers that are now putting in the apartments. She said yes, she would be happy to pay for the trees, but her point is that land owners shouldn't have to do that. She said she considers it a gift to everyone that lives in the little community and maybe, if he doesn't cut them down, in the future when she is no longer there it will be a gift for the people in the apartments too. She said thanks for the moments of your time.

The Vice President asked for any other remonstrators for or against this project. Being none he asked Jim Morley if he would like to answer some of those concerns.

Jim Morley said that it is his understanding that Patricia moved in about 9 years ago and the apartments were built about 13 years ago. He said it is his understanding that it was an existing condition when she moved there and hasn't changed. He said that apartments are the perfect buffer between residential duplex's and commercial zoning. He said the property was originally zoned "C-4" and could have been a Wal-Mart. He said they are pretty excited that it is apartments and that it is a much nicer buffer between "C-4 and "R" zoning. He said they felt like the apartments have been a nice buffer. He said that Patricia made a reference to her rear yard and that there is a stream when it rains, and he is sure there is. He said most rear yards have swells in them that are to carry the run off on the back of houses but that was discussed at the drainage meeting. He said they decided they would look at it tomorrow after it rains and see how it does. He said Danny made a comment to her that every tree out there is one that Maken has planted, and unfortunately a lot more die than live when they get planted. He said part of that is because of the effort it takes to get a tree going. He said it is not always their first choice to plant trees because they rip out a lot more dead ones than ones that actually grow. He said they do feel it is an appropriate development for the area. He said there is green area around the building, it's in accordance with the master plan, and is a great buffer between Commercial and Duplex housing and he asks for the Boards approval.

Richard Reid asked if the apartments are 55 and older.

Jim Morley said that they are and so there will not be a lot of parties, it will be pretty quiet neighbors. He said they asked for a parking variance but due to it being a 55 and older community some do not even have cars. He said what they found in the past is that 2 car spaces per unit is more than enough. He said some of them do not have any cars and none have 2 cars.

Guy Gentry asked about the aerial photo and if the trees were still there.

Jim Morley said that anything that would have been across the property line on Chiolas property, Danny would not be able to touch.

Guy Gentry said there are still some trees that will exist.

He said the portion that Danny had to clear on his property. He added that there might be a few he still needs to take down but like he said before the ground will be lowered and the visual impact will not be bad at all. He said even if you were looking at a full side of an apartment, you could be looking at a full side of a store and in his opinion this is the better option.

The Vice President asked for a recommendation for PC-R-15-06.

Richard Reid made a recommendation to approve PC-R-15-06 for rezoning to the County Commissioners. The motion was seconded by Guy Gentry and unanimously carried.

Jim Morley said that he knows they are supposed to come back in a month to the County Commissioners. He said Maken Corporation is anxious to move forward with their plans and getting the ground. He requested that this be heard by the County Commissioners in two weeks.

Mrs. Rector said that will be fine we just will have to make a motion.

The Vice President asked for a motion to amend the procedures to go to the 27nd meeting.

Richard Reid made a motion to make this go to the April 27nd meeting for the approval. The motion was seconded by Amanda Mosiman and unanimously carried.

The Vice President called for a motion to approve PP-15-10 contingent upon zoning approval by the Board of Commissioners.

Brad Overton made a motion to approve PP-15-10. The motion was seconded by Richard Reid and unanimously carried.

PC-R-15-07- Petition of CD Real Estate Development Inc. by Donnie Denton, Mbr. Owner Charles Fruedenberg Trust by Charles Fruedenberg, Trustee. To rezone 56.351 acres located on the W side of Bell Rd. 0 ft. S of the intersection formed by Bell Rd. and Telephone Rd., Ohio twp. from "A" Agriculture to "R-1" One-Family Dwelling. *Complete legal on file. Advertised in the Standard April 2, 2015.*

Donnie Denton and Chris Combs were present.

The Vice President called for a staff report.

Mrs. Rector said we have all return receipts. She said the lot size is 56.351 acres and the Comprehensive Plan shows the area to be moderate to high residential. She said the existing land use is vacant farm ground and the property to the South is residentially zoned being Green Meadows Subdivision. She added that the rest of the surrounding property is zoned Agricultural with some farm ground and residences. She said there are areas of the property that lie within an AE 100 year flood plain as well as some 500 year flood plain. She said any buildings being

constructed within the 100 year flood plain area will require a certified plot plan certifying the first floor elevation will be 2' above the base flood elevation and 10' around the structure. Mrs. Rector said the road fronts on Bell Road and the proposed subdivision will have interior streets. She added that the applicants submitted a site plan for a residential subdivision and the compliance is allowed. She said they have filed a 113 lot residential subdivision on this property and it will come before the Board next month.

Mrs. Rector added that the owner is now CD Real Estate Development Inc.

The Vice President asked the owners if there was anything they wanted to add to the staff report.

The Vice President asked the Board if they had any questions or anything to add. Being none he asked for any remonstrators for or against the project.

John Greenwell said he lives at 8422 Angel Dr. He said that is the second home on Angel Dr. off of Bell Road to the East. He added that Mr. Lampton which lives at 8444 Angel Dr. is an adjacent property owner. He said they both feel the same about this project. He said they do not want to put an x on this project but they do have major concerns about the drainage. He said that he has lived in Sunnymeade Subdivision since 1980. He said they have been working on getting proper draining and lower erosion along the ditch on Angel Dr. and Bell Rd. He said that he talked to the County Engineer and they are going to put a new culvert there and add some rip rap along Bell Rd. to hold that road because we are losing it. He said if this subdivision goes in there has to be major detail made to drainage. He said all of the water runs westward through that ditch. He added that all of the water that comes from there, the paved roads, and the homes have to be retained. He said if not there will be another 10-12 in. flood across Angel Dr. in front of his house. He said that he is here to tell us that when the Drainage Board meets, they need to not plan on a 50 year rain because it can happen and he has seen it. He said we need to make sure that the drainage is proper and there. He said that when Chandlers bottoms fills up we will be in trouble. He said we will have some major flooding going on behind them to the east if that is not paid ultra-attention to. He said the second concern they have is the traffic on Bell Road. He said when Oak Grove Road was closed the traffic tripled, he said they were coming out of Telephone and going south. He added that he hasn't seen the final plans of the way this will be subdivided, or the way it will be entered or exited. He said his understanding is that there is no entrance or exit on Telephone Road. He said all will be on Bell Road to the East. He added that Harold Angel and Mr. Hirschelman own the property to the west. He said there will be a four way stop sign so fast it will make your head spin. He said if there is only two ways in and out with 113 homes, he said multiply that times 5 and that's how much more traffic we will have. He also said he has not seen the final subdivision plans and he is here blank on that. He said he is here to ask the Board to pay attention to these issues before okaying this. He said he would welcome new neighbors but he also wants them to welcome them with their water and traffic concerns.

Mrs. Rector said that they have filed the subdivision plat in our office (Area Planning Commission) and they also have submitted street construction plans, the entrances, and drainage plans. She added that he needs to talk to the engineers about drainage plans.

John Greenwell said that he has spoken with Bobby Howard on this and believes that he thinks they are really up on this.

Mrs. Rector said yes they are.

John Greenwell said he just wants to stress this, because we just rezoned another piece of property and he believes in the next 5 years something bad will happen on Bell Road if we do not take care of these issues. He said there has been so many close calls on Angel Drive and that this all needs to be taken into consideration. He said if we do not take care of the drainage issue this time we will be back here. He said this will help the property values with these nice houses unless they flood out our homes.

Mrs. Rector said they should not be able to flood you out in any way.

John Greenwell said he's heard that a lot.

Mrs. Rector said tonight is just the rezoning.

John Greenwell said he understands but believes the drainage issue will be a zoning issue. He asked for any questions.

Being none the Vice President asked for any other remonstrators for or against the project.

Bob Lampton said he is right on the corner and the ditch over there has come over his driveway before. He said it will not handle all of this water. He asked why it has gotten in the shape it is in now. He said he believes the Board can do something on this.

The Vice President said before anything is done the drainage engineers and the Drainage Board will be looking at this.

Donnie Denton said they are working on it now.

Mrs. Rector said that they should be retaining the water better than it is now once the development is put in. She said in site review the engineer said that Bell Road is on the list for expansion in the future. Richard Reid stated this is said to happen around 2019.

Ginger Tacey said she lives at Terrace Dr. and Bell Road. She said she has pictures from 2013 when the road flooded. She said the Drainage Board had come in just before that, dug out the ditch, put rip rap in and they thought it would solve it. She said the flood came after that, she added that it comes into her house and they put towels in front of door to keep it out. She said she agrees with John, and Bob about this. She said there were cops stopping people from going down the road. She added that she works as a real state agent and that Mr. Denton and Mr. Combs build fabulous homes, do great work, and has great plans but the County has to deal with this and if they do what they did last time then forget it. She said she hasn't spoke to the Drainage Board

and maybe she needs to join the gentleman that spoke before her and talk to them. She also stated her concern on the traffic.

The Vice President asked for any other remonstrators for or against this project.

Nathan Mominee said he is the drainage engineer for the project. He said this is a flood plain project and that means there will need to be quite a bit of fill to bring the ground up for some of these lots. He said one of the things that come with this is nice size basins. He said there will be acres of retention. He said based on Warrick County drainage ordinance you have to release a 5 year undeveloped flow for a 50 year developed flow. He said this is a stringent ordinance compared to Vanderburgh County. He added that they are required 3 acre feet of water (a little less 2.7 acre feet), which is like a football field a foot deep. He said that is what they are required and they have nearly 12 acre feet of storage available before they release anything beyond the 5 year undeveloped flow. He said at the 11 acre feet of storage, back at Bell Road where the culvert comes across and the County will be upgrading because of the flooding concerns. He added that it's a head water condition, and the water from upstream is backing up that pipe and when they make it bigger it will allow the water to come into our big lakes that are being made. He said at 11 acre feet of storage, where they are required only 2.7 they are still going to have 5-6 feet of free board to Bell Road from the ditch. He said this should improve the drainage situation. He said he also realizes that there are back water conditions also from the Big Edwards Ditch and that is a much longer time of concentration. He said this water is basically coming from the school at the top of the hill. He said it's about an hour and 45 minutes before it gets to us. He said they mentioned that we have been getting freakish storms and we can only do the best we can as far as designing but it is hard to design for a 500 year storm in every situation. He said as far as the development goes it's pretty nice that we will have some much additional storage available.

Guy Gentry asked if they are designing for their own facility, as well as catching the existing drainage.

Nathan Mominee said that is just a side effect of needing the fill material from the lakes. He said it will also make for aesthetically nice development with so much water front. He said it will improve the situation with the drainage, especially along with the County. He said part of their concern is high intensity, short duration rains and it's just overloading that pipe under Bell Road and the County is in the works of addressing that.

The Vice President asked for any other remonstrators for or against the rezoning.

Charles Hirschelman said he is the property to the west of this and he understands the construction. He asked Nathan Mominee about raising the AE part. He said his concern is if the property is built up to get out of the flood plain than there will be more water coming onto his property than before, when it was spread out. He said there is only a small ditch going through Telephone Road at Angel to take all of that water through. He said there is more water being back on him and also the houses in Pleasant Valley subdivision, those people just found out they are in the AE flood plain now. Mr. Hirschelman continued with his concern on the drainage.

Curt and Wendy Everline live in Green Meadow Subdivision and have lived there since 1996. They also showed their concern about the drainage and also the traffic. He said kids are going to start being killed if the traffic problem is not fixed. They both feel very strongly about both of these subjects and want the Board to be aware. Mr. Everline said he understands this is the rezoning, but when the drainage and whatever comes up he would like to be noticed.

Mrs. Rector said you and other adjacent property owners will get notices for the date and time of the meeting for the drainage, street, and plat.

Cheryl Tepool is the daughter of Wilma Taylor who lives at 2200 Bell Road. She also expressed her concern about the traffic. She also asked if when they widen the road will they take off of her property.

Mrs. Rector said by the plat they have to dedicate right of way for them to upgrade the road. She said they will be dedicating additional footage. She added that they still could take some off of the other side of the road but they will be taking a lot off of their property for that.

Chris Combs said that they are happy to meet with any of the neighbors to address any of the concerns. He said they will be glad to stay after the meeting, and that he also has handed out his card.

Donnie Denton said he wanted to answer a few questions about what is going in there. He said there are going to be houses that start at \$375,000.00 up to \$1,000,000.00 homes. He said the upper end will be \$450,000.00 and up to over \$1,000,000.00 and the lower section will be \$375,000.00 to \$450,000.00. He said he also wants everyone to understand that they will not be creating more problems with drainage. He said they are actually taking on 4 times more water than is required by the County and what that will do is keep Angel Creek from getting out of its banks because they are retaining that water in a torrential down pour before it ever gets to Angel Creek. He added that water is impended by trees, grass, and stuff that gets in the ditch, but when you are dealing with a lake there is a free flow of water and there is no channeling or clogging of that water as it comes under Bell and goes across their entire property and they are going to retain 4 times of what they should to help Angel Creek downstream and help the water get off of surrounding properties. He said with respect to Chandler (if it floods) there is nothing we can do about that. He said we are doing all that we can as developers to satisfy the drainage and the County will makes sure it is done accordingly. He said he feels they are going above and beyond the call of duty when it comes to retention of their surface water. He said they will be retaining that until the storms pass and then the water will be flowing at a slower rate down through the bottoms.

Bob Lampton asked a question from the audience for Donnie, continuing his concern of drainage.

Donnie Denton said that himself and Chris Combs will give their cards to everyone and if everyone wants they can meet at someone's house and talk about all of these concerns because this is just the rezoning.

John Greenwell said that would be great, thank you.

Richard Reid said that Mr. Denton and Mr. Combs cannot solve our problems we have in Ohio Township. He said they are going far and beyond what the scope is of what they need to do.

The Vice President asked for any other remonstrators for or against this project, being none he asked the Board if they had anything to add. Being none he entertained a motion for PC-R-15-07.

Bill Byers made a recommendation to approve PC-R-15-07 for rezoning to the County Commissioners. The motion was seconded by Richard Reid. Row call was taken with Bill Byers, Brad Overton, Amanda Mosiman, and Richard Reid voting for approval of PC-R-15-07 and Guy Gentry voting against the motion therefore the motion carried.

Mrs. Rector said that we have 4 and that is the majority and so it will go to the Commissioners with a recommendation of approval on May 11th at 4:00 p.m.

PC-R-15-08- Petition of Robert Dave Heuring II Owner Robert & Linda Heuring. To rezone 1.5 acres located on the S side of New Harmony Rd. a distance of 2460 ft. W of the intersection formed by New Harmony Rd. and SR 61, Boon twp. from "C-3" Highway Commercial to "A" Agriculture. *Complete legal on file. Advertised in the Standard April 2, 2015. Advertised in the Standard April 2, 2015.*

Robert Heuring, owner and Chad Wagner, land surveyor and consultant, present.

The Vice President called for a staff report.

Mrs. Rector said we have all returned receipts except one from R & J Trucking. She said we do have the white pay receipts showing they were mailed to the correct addresses on file in the Auditor's office and before the 21 day deadline. She said the lot is Agriculture zoning and requires ½ acre unless it requires a septic which then needs 2.5 acres. She said the Comprehensive plan shows no protection for this area and the property is being used as a field. She said all surrounding property is zoned Agriculture with some M-1 about 600 feet to the east. She added that most of the surrounding land is vacant. She said the current "C-3" zoning was done in 1972 by previous owners for a Trading Post. She said the current owners wish to divide their property in a parcelization and the property needs to be Agricultural in order for them to do that. She said some of the acreage has a zone "A" and 100 year flood plain and the street fronts on New Harmony Road. She said the applicants submitted a site plan and it will be used for lawn and haygrass and compliance is allowed.

The Vice President asked Robert Heuring and Chad Wagner if they had anything to add. Being none he asked the Board if they had any questions. Being none he asked for any remonstrators for or against the project. Being none he entertained a motion for PC-R-15-08.

Richard Reid made a recommendation to approve PC-R-15-08 for rezoning to the County Commissioners. The motion was seconded by Brad Overton and unanimously carried.

SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:

PP-15-07- Kirby's Broadview Farms Estates No. 2 by Kirby Broadview Farms, Inc by James Kirby, Pres. 39.2124 acres located on the N side of SR 62 approximately 500 ft. E of the intersection formed by SR 62 and Eskew Rd., Boon Twp. *Complete legal on file. Advertised in the Standard April 2, 2015.*

Bill Bivins, engineer and James Kirby, owner were both present.

The Vice President called for a staff report.

Mrs. Rector said we have all returned receipts except for John & Jennifer Baker. She said the notice was sent to 2722 SR 62 instead of 2733 SR 6 and they have a waiver of 21 day notice. She said it is zoned "C-4" General Commercial, with no minimum lot size requirements. She said there is some zone AE flood plain on lot 2 and that is not a building site at this time. She said there are a total of 2 lots and lot 1 is to be purchased by the adjacent property owners (Law Chevrolet) for an expansion of their business. She said the street fronts on SR 62 and we have an email from INDOT that a driveway at this location is needed it could be allowed provided the owner makes application to INDOT through the permit process and all current design and construction specifications can be met and an INDOT permit issued. She said the drainage plan has been approved. She added that the letter from Boonville/Veolia stating that Law Chevrolet has its own lift station and as long as the newly created lot 1 is going to Law Chevrolet it can connect to their lift station. She also said if the lot is not owned by Law then it will not have sewer. She added that the Health Department has indicated the lot is large enough for a septic site. She said we do have a capacity letter from Chandler Water and the plat is in order.

The Vice President asked Bill Bivins and James Kirby if they had anything to add to the staff report. Being none he asked for questions from the Board. Being none he asked for any remonstrators for or against this project. Being none he entertained a motion.

Richard Reid made a motion to approve PP-15-07. The motions was seconded by Guy Gentry and unanimously carried.

PP-15-08 - I-164 Commercial Park No. 3, a Replat of Lot 1 in I-164 Commercial Park by Indiana Regional Council of Carpenters Joint Apprenticeship & Training Fund- Southern Region by Mark McGriff, Exec. Sec/Treas. 5.49 acres located on the E side of Covert Ct 800'

N of the intersection of Covert Ct. and SR 662 Frontage Rd. Ohio Twp. *Complete legal on file. Advertised in the Standard April 2, 2015.*

Jim Morley, project engineer was present.

The Vice President called for a staff report.

Mrs. Rector said we have all returned receipts except for Two Kins Investments and we have all white pay receipts which were mailed to the correct address. She said the zoning is "C-3" Highway Commercial and there is no flood plain. She said there are two lots and this is a division of lot 1 of I-164 Commercial Park #1. She added that the County Commissioners' ruled no improvements to Covert Court and the Drainage Board ruled no drainage plans were required. She said the Town of Newburgh has sanitary sewer capacity available and Evansville Water and Sewer Utility has the capacity to serve the proposed development and the plat is in order.

Jim Morley said it just needs to be split to build an office building to the north of the existing union hall.

The Vice President asked for any questions from the Board. Being none he asked for any remonstrators for or against this project. Being none he entertained a motion.

Brad Overton made a motion to approve PP-15-08. The motion was seconded by Richard Reid and unanimously carried.

PP-15-09 – Adams Creek No. 2, a replat of Lot 2 in Adams Creek Subdivision by Steven A & Evelyn Faye King 19.4 acres located on the S side of Edwards Rd. approximately 0' S of the intersection formed by Spring Lake Dr. & Edwards Rd, Boon Twp. *Complete legal on file. Advertised in the Standard April 2, 2015.*

Jim Morley, project engineer was present.

The Vice President called for a staff report.

She said we have all returned receipts except for David Brown's. She said we have the white pay receipt and it was mailed to the correct address. She said the zoning is Agriculture and requires ½ lot size unless on septic which requires 2.5 acres. She said there is no flood plain and there are 3 lots. She said the County Commissioners ruled no improvements to Edwards Road and the Drainage Board approved no improvements. She said they have approved septic sites on lots 1 and 2. She said lot 3 is not a building site. She said the proposed development is a replat of lot 2 of Adams Creek Subdivision. She said they are creating two 5.0 acre lots that will be approved building sites and one 9.40 acre lot which will not be a building lot. She said the conditions are that they are going to quit claim the 45' gap on the north end of these lots to Steven and Faye King and include it in the plat, and on the secondary it will be dedicated as ROW. She said there is a 40' overlay between the south line of Adams Creek and the north line

of Foley Minor. She added that the original Adams Creek was done by a different surveyor and this plat should correct the problem by shortening the lots in Adams Creek by 40’.

The Vice President asked Jim Morley if he had anything to add to the staff report. Being none he asked for questions from the Board. Being none he asked for any remonstrators for or against this project. Being none he entertained a motion.

Richard Reid made a motion to approve PP-15-09. The motion was seconded by Guy Gentry and unanimously carried.

ORDINANCES AMENDING THE COMPREHENSIVE ZONING ORDINANCE:

AN ORDINANCE TO AMEND ARTICLE XXI DEVELOPMENT REGULATIONS SECTION 4 SIDE YARDS (ADDITIONAL REQUIREMENTS) SUBSECTION (1) OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Standard April 2, 2015.*

The Vice President said the purpose of this will allow a side yard of 6’ for residential use and removing the requirement of 10’ for Agriculture and CON zoning parcels over five acres. He asked Mrs. Rector if she had anything to add to this.

Mrs. Rector said right now in our ordinance if you have an “A” Agricultural zoned piece of property that is 80 foot wide, you have to be 10 feet off of the property line. She added that if you have the same piece of property zoned residential you have to be 6 feet off of the line. She said she is trying to bring it into where it’s the same. She added that we have had some Variances lately go before the Board of Zoning Appeals, and this is why she is trying to make it to where they all have 6 foot side yards. Mrs. Rector said she understands why this was done but she wants to make it fair for all zoning.

The Vice President asked for any questions from the Board.

Guy Gentry asked about 6 foot on each side. He said for example, the lots that are being sold off of Andy Drive (that are done properly) won’t have a 6 foot side yard on the one side.

Mrs. Rector said the PUD relaxes that.

Guy Gentry asked if this would keep this from happening.

Mrs. Rector said it will not change that.

Being no other questions the Vice President asked for a motion to amend the ordinance.

Guy Gentry made a motion that we recommend approval to the County Commissioners of the ordinance to amend Article 21, Development Regulations Sections, side yards. The motion was seconded by Richard Reid and unanimously carried.

**AN ORDINANCE TO AMEND ARTICLE XXI DEVELOPMENT REGULATIONS
TABLE B OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR
WARRICK COUNTY, INDIANA.** *Advertised in the Standard April 2, 2015.*

The purpose of this ordinance is to amend Table B by changing the side yard from ten (10) feet to six (6) feet in an “A” Agriculture and “CON” Recreation and Conservancy zoning district.

Mrs. Rector said this is changing Table “B” to show the side yard changes.

The Vice President asked for any questions from the Board. Being none he made a motion to amend the Comprehensive Zoning Ordinance.

Brad Overton made a motion to recommend approval to the County Commissioners of this ordinance. The motion was seconded by Amanda Mosiman and unanimously carried.

OTHER BUSINESS:

Formal Complaint: D. Elaine Clouse, 800 Mt. Gilead Rd, Boonville, IN – Alleged junk/salvage yard in a “CON” Recreation and Conservancy zoning district. Cease and desist letter sent March 9, 2015.

Elaine Clouse was present.

Mrs. Rector said that Mrs. Clouse has come into the office on regular basis letting me know that she is working on it and doing her best that she can by herself. She said Dennis went out and took pictures. Mrs. Rector said the weather has not been cooperating for her but she is doing her best and she also works full time.

Mrs. Clouse said she has cleaned since he took pictures also.

Mrs. Rector said that she came tonight because she has already extended her time and she needs more time to get this cleaned up.

Mrs. Clouse said she needs a little more time to get the rest of the trash out of the drive. She said she will need about 3 months to get everything out of the yard and she then wants to get a permit to get the house torn down.

The Vice President said that it sounds like she is keeping in touch with Mrs. Rector and that’s very important.

Mrs. Rector said that would put you around August or July.

Richard Reid asked if anyone was living there now.

Mrs. Clouse said yes and no. She said that is still her residence but she has not been staying there much in the winter.

The Vice President asked if anyone else was living there.

Mrs. Clouse said no, it's just her and that her mom has been dead for 17 years.

The Vice President asked for any other questions from the Board and if not what are the Board's wishes.

Amanda Mosiman moves that we give her the time to clean it up and for her to come back at the August meeting and to keep in touch with Mrs. Rector. Richard Reid seconded the motion and it was unanimously carried.

Mrs. Rector said if you get this all done then you will not have to come to the next meeting.

Mrs. Clouse said she is thinking the drive will be clean in the next couple weeks.

The Vice President said just keep doing what you're doing and stay in touch with Mrs. Rector.
Request for off site parking: Bruce Hall's Body Shop, 8266 SR 66, Newburgh, IN.

Jim Morley project engineer was present.

Mrs. Rector stated that a permit was issued for the collision center, September 2, 2011. She said when the original building was constructed they were required to have 17 parking spaces and they showed 25 on their plot plan. She said they now want to do a 50 x 60 foot addition, which would require 21 spaces and they only have room on the lot that is buildable for parking for 18 spaces. She said they do own an empty lot and they are requesting to be able to use that for their additional parking, which is in our ordinance that the Planning Commission has to approve parking if it's on a different lot and that is why they are here tonight asking permission for that. She said we have another issue with a utility easement, but they are getting that straightened out and they are moving it.

The Vice President asked for anything to add or questions from the Board.

Attorney Doll asked if the 18 parking spaces were in addition to part of the original 21 spaces.

Jim Morley said no, there are 12 off-site plus the 17 or 18 on-site.

Attorney Doll said, so once the addition goes onto the site the 21 (the original number) will shrink to 17 and then you want to go across the street for the additional as well.

Jim Morley said they currently park across the street anyways...

Attorney Doll said, enough said, that means you need them. He then asked if there will be disabled vehicles sitting out there.

Jim Morley said they are a Geicko Repair Center and they hold them to pretty tight standards on the appearance of their lot and where they can store cars inside and outside. He said this parking is on the adjoining property and it's a private road.

Guy Gentry asked who owned the lot in front of that, where the car lot is.

Mrs. Rector answered that it was the Ubelhors.

The Vice President asked for anything else to add or any questions from the Board. Being none he called for a motion.

Amanda Mosiman made a motion to approve the off-site parking for Bruce Hall's Body Shop. The motion was seconded by Guy Gentry and unanimously carried.

Mrs. Rector said this is not on the agenda, but since Jim Morley is here she had a question that was asked today in the office. She said Oak Park Subdivision is a subdivision that was approved back some time ago on Lynn Road by SR 66. She said a lot was approved as wetlands and she was asking if they have renegotiated where this wetlands is now.

Jim Morley said yes.

Mrs. Rector said they now want to make 2 lots out of this now. She said it is not a significant change and she didn't feel it was enough for them to have to re advertise and come back before the Board.

Richard Reid asked where the wet lands are going.

Jim Morley said that piece of wet lands is being mitigation to a site in Vanderburgh County, out near the airport. He said they are doing that as a mitigation project for this site and another site and combining it all together and once that site is mitigation where they would like to go ahead and put a couple houses there.

Mrs. Rector asked if there were any objections to them doing this when they file the final plat.

The Board said there was not.

Attorney Doll said there will be some kind of paper work that is provided to the office that identifies the Vanderburgh County mitigation site, etc.

Jim Morley said that won't be a problem.

Mrs. Rector asked if the Board would vote that this is not a significant change.

The Vice President called for a motion on this.

Bill Byers made a motion that this is not a significant change. The motion was seconded by Brad Overton and unanimously carried.

ATTORNEY BUSINESS: Attorney Doll said the judge found Wolf in violation on both, and the County shall clean up the sites. He added that Asher was granted a little more time and that he has made progress and he has until April 30th.

Richard Reid asked if he had done anymore classifications on the wineries.

Attorney Doll said no, but he has been thinking about that and the legislature, apparently has some legislature this year on winery's etc. He said that he told Mrs. Rector that he would like until the legislature ends on April 29th to see what they do, so that whatever we do is not out of filter with the legislature.

Mrs. Rector said the Amanda Mosiman has sent her a really good sample of ordinance that people have done and she will send them to everyone. Mrs. Rector added that she will not be here at the May meeting so it will probably be June.

The Board talked amongst themselves and Amanda Mosiman explained what she had founds.

EXECUTIVE DIRECTOR BUSINESS: None.

The Vice President asked to entertain a motion to adjourn the meeting.

Upon a motion by Bill Byers and seconded by Guy Gentry the meeting was adjourned at 7:30 pm.

Guy Gentry, President

ATTEST:

Sherri Rector, Executive Director